

REMARKS

This Response is to the Office Action dated April 2, 2009 and is submitted in accordance with the interview conducted on June 25, 2009. Claims 1, 4, 8, 12, 16, 30 and 34 have been amended. No new matter was added by these amendments. Claims 2, 3, 7, 17 and 32 have been cancelled without prejudice or disclaimer. Applicants do not believe any fees are due in connection with this Response. However, please charge Deposit Account No. 02-1818 for any fees deemed due.

The Office Action rejected Claims 1 to 35 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,408,330 to De La Huerga et al. ("*De La Huerga*"). Regarding this rejection and as discussed during the interview, Applicants' representative first generally explained some of the structural features referred to in the claimed system and method (i.e., the first computer, second computer, medical device and remote computer), with reference to Figs. 1 to 3 of the present application.

Then, Applicants' representative and the Examiner discussed column 36, line 42 to column 37, line 16 of *De La Huerga*, which was referenced in the Office Action. Portions of this passage are provided below for convenience:

Third, a smart device (e.g. an IV pump) may provide a general packet format including target address along with data provided to an ICD 10 . . . Hidden fields 472 which incorporate information to be transmitted along with information to be displayed but concealed from view through the browser display, may also be added. Information appropriately concealed may include initial quantities of medication dispensed, which information may be compared with the amount actually administered. Packet 440 further includes an approve field 476 which specifies configuration of an APPROVAL icon on display 103. The APPROVAL icon allows a physician to approve of information displayed via browser 115. When field 476 is displayed and an associated icon is selected via browser 115, information in packet 440 is transmitted for storage to a database 158 or 162 at the server target address indicated in field 444. [Emphasis added]

Amended Claim 1 includes transmitting data relating to operational parameters from the medical device to a first computer; transmitting data relating to an order from a second computer to the first computer; storing data relating to the order in a memory of the first computer; comparing at least one of the operational parameters sent from the medical device to at least a portion of the order; and transmitting a signal indicative of a result of the comparison of the

operational parameters sent from the medical device to the portion of the order from the first computer to a remote computer.

As discussed during the interview, *De La Huerga* discloses a smart device such as an IV pump (which the Examiner would have to reason is the medical device of Claim 1) sending data directly to an information collective device (ICD) (which the Examiner would have to reason is the first computer of Claim 1).

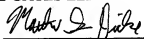
Applicants' representative and the Examiner agreed that this passage of *De La Huerga* does not disclose transmitting data relating to an order from a second computer to the first computer. *De La Huerga* does not disclose a structure corresponding to the second computer of amended Claim 1.

Further, as also discussed during the interview, *De La Huerga* states: “. . . [i]nformation appropriately concealed may include initial quantities of medication dispensed, which information may be compared with the amount actually administered.” [Emphasis added]. It appears both of these pieces of information come from the smart device (or IV pump) in *De La Huerga*—neither of them coming from a second computer. Additionally, both of these pieces of information appear to be amounts actually delivered by the smart device—either initially or later “actually administered.” Neither the “initial quantities of medication dispensed” nor the “amount actually administered” comprise an “order.”

Applicants have similarly amended independent Claims 16 and 30. As discussed during the interview, amended Claim 16 includes transmitting data relating to programmed settings including at least a programmed infusion rate from the medical device to a first computer; storing the data relating to settings in the memory of the first computer; transmitting data relating to an order including at least a prescribed infusion rate from a second computer to the first computer; storing data relating to the order in a memory of the first computer; and comparing the programmed infusion rate to the prescribed infusion rate. Applicants' representative and the Examiner agreed that this passage of *De La Huerga* does not disclose a comparison of an order including at least a prescribed infusion rate and data relating to programmed settings including at least a programmed infusion rate as claimed. In view of the amendments discussed during the interview which were made to independent Claims 1, 16 and 30, Applicants respectfully submit that Claims 1, 16 and 30 and the claims depending therefrom are patentable over *De La Huerga*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same. As discussed during the interview, if the Examiner has any questions regarding this Response or wishes to further discuss this application, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,
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BY  _____

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